IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JOHN SAMPY, Plaintiff,	§	
V.	§	CIVIL ACTION NO. 4:16-cv-3548
SCHLUMBERGER TECHNOLOGY CORPORATION, Defendant.	§	JURY DEMANDED

PLAINTIFF'S ORIGINAL COMPLAINT

Plaintiff John Sampy brings this action under the Fair Labor Standards Act of 1938 ("FLSA") against Defendant Schlumberger Technology Corporation for overtime pay and associated relief as follows:

Parties

1. Plaintiff John Sampy ("Sampy" or "Plaintiff"); represented by the undersigned, is an employee of Defendant.

2. Defendant, Schlumberger Technology Corporation ("Schlumberger" or "Defendant") is a Texas Corporation that is Sampy's "employer" under the FLSA. Schlumberger is an enterprise engaged in commerce and in the production of goods for commerce, with gross annual revenues in excess of $500,000. Schlumberger may be served with process through its registered agent, National Registered Agents, Inc., at 1999 Bryan Street, Ste. 900, Dallas, TX 75201.

Jurisdiction and Venue

3. This Court has federal question jurisdiction under the FLSA. Venue is proper in this District, where the events underlying the claims in this Complaint substantially occurred. At

all times pertinent to this Complaint, Defendant was an enterprise engaged in interstate commerce, operating on interstate highways, purchasing materials through commerce, transporting materials through commerce and on the interstate highways, and conducting transactions through such commerce. Additionally, Plaintiff has been individually engaged in such commerce, and his work is essential to Defendant's business. Defendant conducts sufficient business to exceed annual gross revenues of at least $500,000.

Factual Allegations

4. Sampy has been employed by Schlumberger as a Pressure Control Operator since 2004. Sampy's duties while working in the shop have included, but have not been limited to, servicing, repairing and maintaining various grease equipment units. Through most of his employment, Sampy worked well over 40 hours per week. He was paid a base salary plus day rate bonuses for most of these weeks, however, and was not paid one-and-one half times his regular rate of pay for the hours he worked over 40.

5. At all times relevant hereto, the Defendant knew of, approved of, and benefited from Plaintiff's regular and overtime work.

6. Defendant has not made a good faith effort to comply with the minimum wage or overtime provisions contained within the FLSA.

7. Defendant's actions are and were willful and in blatant disregard for Plaintiff's federally protected rights.

8. As a non-exempt employee, Plaintiff is entitled to be paid his regular wages and to be paid an overtime premium for all work performed during the hours worked over 40 hours in each workweek. Defendant has failed to pay the Plaintiff the required overtime premium in every workweek that the Plaintiff was employed by Defendant during the Relevant Time Period.

Plaintiff worked in excess of 40 hours most of the weeks he has worked for the Defendant. Plaintiff is paid salary and bonuses for each job completed or each day worked, but is not paid premium pay for hours worked over 40.

9. No exemption excuses the Defendant from paying Plaintiff for all time spent and work performed during the hours he worked, and the Defendant has not made a good faith effort to comply with the FLSA. As such, the Defendant has knowingly, willfully, or with reckless disregard carried its illegal pattern or practice regarding overtime compensation with respect to Plaintiff. Such practice is a clear violation of the FLSA.

CAUSE OF ACTION

Violation of the FLSA – Failure to Pay Overtime Wages Owed

10. Based on the foregoing, Defendant has violated the FLSA by failing to properly compensate Plaintiff for work performed in the employ of the Defendant.

11. Plaintiff has suffered damages as a direct result of Defendant's illegal actions.

12. Defendant is liable to Plaintiff for unpaid overtime compensation, liquidated damages, attorney's fees and costs of Court under the FLSA, for the three-year period preceding the filing of this lawsuit.

13. Defendant is liable to Plaintiff under the FLSA for all unpaid wages and overtime compensation owed for the three years preceding the filing of this complaint, as well as for liquidated damages, attorney's fees, out of pocket expenses and costs of Court.

Demand for Jury

14. Plaintiff demands a trial by jury.

Prayer for Relief

WHEREFORE, Plaintiff demands:

1. Judgment against Defendant for an amount equal to Plaintiff's unpaid overtime wages at the applicable rate;
2. An equal amount to the overtime wage damages as liquidated damages;
3. Judgment against Defendant that its violations of the FLSA were willful;
4. To the extent that liquidated damages are not awarded, an award of prejudgment interest;
5. All costs and attorney's fees incurred prosecuting these claims;
6. Leave to amend to add claims under applicable law; and
7. For such further relief as the Court deems just and equitable.

Respectfully Submitted,

/s/ Josef F. Buenker
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